



Entered on Docket  
February 02, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
RANDOLPH H. GOLDBERG, ESQ.  
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Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**KEVIN WILLIAMS &  
JESSICA WILLIAMS**

Debtor(s).

Chapter 13 Proceedings  
Case No.: BK-S-09-20598-LBR  
Trustee: Rick A. Yarnall

Date: 8/13/2009  
Time: 3:30 p.m.

**ORDER AVOIDING SECOND TRUST DEED**

**THIS MATTER** having come before the Court for a hearing on **AUGUST 13, 2009**, on Debtors' **MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS OF COUNTRYWIDE HOME LENDING PURSUANT TO 11 U.S.C. §506(a) AND §1322**, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

1. The Debtors' real property located at **4415 SOUTH PEARL STREET, LAS**

1 VEGAS, NV 89121 (the "Subject Property") is valued at \$175,000.00 as of the  
2 date of filing Debtors' Chapter 13 Petition.

3  
4 2. The Subject Property is collateral for COUNTRYWIDE HOME LENDING'S  
5 senior secured claim (ACCOUNT # 72043095) (PROOF OF CLAIM NUMBER  
6 8-1) for the amount of \$220,498.00.

7  
8 3. On the filing date of the instant Chapter 13 Petition, COUNTRYWIDE HOME  
9 LENDING'S claim (ACCOUNT # 105000718) (PROOF OF CLAIM  
10 NUMBER 5-1) was wholly unsecured.

11 IT IS THEREFORE ORDERED THAT COUNTRYWIDE HOME LENDING'S  
12 secured claim is "stripped off" and avoided pursuant to 11 U.S.C. §506(a);

13  
14 IT IS FURTHER ORDERED THAT COUNTRYWIDE HOME LENDING'S secured  
15 rights and lien holder rights in the Subject Property are hereby terminated and COUNTRYWIDE  
16 HOME LENDING shall be paid as a general unsecured creditor through the Debtor's Chapter 13  
17 plan;

18  
19 IT IS FURTHER ORDERED THAT in the event the instant Chapter 13 matter is  
20 converted to a Chapter 7 case, this order will be void and without effect.

21 IT IS FURTHER ORDERED THAT in the event the instant Chapter 13 matter is  
22 dismissed for any reason, COUNTRYWIDE HOME LENDING'S claim shall be reinstated to  
23 its status as a secured claim on the Subject Property pursuant to 11 U.S.C. §349(b).

24  
25 IT IS SO ORDERED.

26 DATED this 15<sup>TH</sup> day of SEPTEMBER, 2009


27  
28 //

1 THE LAW OFFICES OF  
2 RANDOLPH H. GOLDBERG

3 By /S/ RANDOLPH GOLDBERG ESQ.  
4 RANDOLPH H. GOLDBERG, ESQ.  
5 4000 S. Eastern  
6 Suite 200  
7 Las Vegas, Nevada 89119  
8 Attorney for Debtors

9 APPROVED AS TO FORM AND CONTENT

10 CHAPTER 13 TRUSTEE

11  
12   
13 ~~/S/ KATHLEEN LEAVITT, TRUSTEE~~  
14 302 East Carson Ave., Suite 300  
15 Las Vegas, NV 89101

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned  
3 certifies:

4 ☒

5 The court waived the requirements of LR 9021.

6 I have delivered a copy of this proposed order to all  
7 attorneys and unrepresented parties who  
8 appeared at the hearing regarding this matter  
and/or who filed a written Objection and each  
has:

9 ☒

approved the form of this order:

10 waived the right to review the order

11 and/or failed to file and serve papers  
in accordance with LR 9021®.

12 I have delivered a copy of this proposed order to all  
13 Attorneys and unrepresented parties who appeared at the  
14 hearing regarding this matter and/or who filed a written  
15 objection and all have either approved the form of this  
order, waived the right to view the order, failed to file  
and serve papers in accordance with LR 9021® and the  
following have disapproved the form of the order:

16  
17 No opposition was filed to the motion and no  
other party or counsel appeared at the hearing.

18  
19 I declare under penalty of perjury under the laws  
20 of The State of Nevada the foregoing is true and correct.

21  
22 /s/Maile C. Hansen/s/  
23 An Employee of  
24 THE LAW OFFICE OF  
RANDOLPH H. GOLDBERG

25  
26 ###